

31. The method of Claim 29, wherein the workstation is a funeral director workstation, located in a funeral home.

32. The method of Claim 29, wherein the second template forms part of a second set of pages, the second template being accessible for editing by use of a family password.

33. The method of Claim 29, wherein the password is a funeral director password.

34. The method of Claim 33, wherein the second template forms part of a second set of pages, the second template being accessible for editing by use of a family member password, and wherein the method additionally comprises the step of editing the second template using either the funeral director password or the family member password to provide an altered second template stored in the web server, and to provide an altered memorial display page stored in the web server, the altered memorial display page being accessible on-line to users without use of either the funeral director password or the family member password.

REMARKS

Claims 1-14 and 24-34 are pending, and have been rejected in the Office Action. Claims 15-23 have been withdrawn from consideration, and as indicated above, those claims have now been cancelled, and claim 28 has also been cancelled. Claims 1, 3, 4, 6, 24-27 and 29 have been amended in the manner indicated in the Appendix.

A. Section 112 Rejections

In the Office Action, Claims 1-3 and 24 have been rejected under 35 U.S.C § 112, second paragraph, for indefiniteness. Claim 1 was said to be indefinite on grounds that the terms "unassigned template" and "assigned template" were vague. The claim recites that the "information" to be inputted corresponds to the deceased person, but that does not mean that the unassigned template necessarily corresponds to the deceased person. Nevertheless, the claims have been amended

for clarity. The recitations of "assigned" and "unassigned" templates have been deleted. New matter has not been added, and support can be found in several places in the application, including text on pages 19-21, e.g., page 20, lines 11-18.

Claim 2 has been rejected, on grounds that the phrase "the main website" lacked antecedent basis. Claim 1 has been amended to affirmatively recite a "main website." Applicant requests withdrawal of the rejection.

Claim 3 has been rejected, due to its dependency on Claim 2. Applicant has amended Claim 2 to depend from Claim 1 instead. Accordingly, Applicant requests withdrawal of the rejection.

Claim 24 has been rejected for indefiniteness, based on the phrase "associated with a funeral home website," as well as the lack of antecedent basis for "the funeral home website" and indefiniteness of the phrase "can be prepared." Accordingly, claim 24 has been amended to remove the terms forming the basis for the rejection. Applicant requests withdrawal of the rejection. As discussed below, the claim has also been amended for clarity and also to demonstrate certain novel features of the claimed method. No new matter has been added.

B. Section 103 Rejections

Claims 1-14 and 24-34 have been rejected under 35 U.S.C. § 103(a) over Angels Online in view of an Official Notice described in the Office Action. Although no amendment of the claims is believed to be necessary to distinguish the claims from the cited references, Applicant has nevertheless amended the claims to clarify the nature of the invention in each claim.

(1) Claims 1-24

The claims have been amended to distinguish them from Angels Online and the proposed combination of Angels Online with the Official Notice. As acknowledged by the Examiner, Angels Online does not refer to any specific usage of password access. On that basis alone, Applicant submits that there is no prima facie obviousness. Furthermore, as noted below, there is nothing in either alleged reference to suggest their combination. Furthermore, the claims are also distinguishable from the proposed combination of Angels Online with the Official Notice. That is, even if the combination were made, the result would still be lacking the combination of features set forth in the claims. Moreover, as discussed below in

Subsection (3), the Applicant submits that neither Angels Online nor Official Notice are "prior art," but they will be treated as such in the following discussion.

For purposes of rejecting Claims 1-24, the Examiner relied on Official Notice to characterize a password in a particular way, i.e., as a "login password." Specifically, the Examiner posited "that it is very well known in the art to control access to a conventional desktop computer by requiring the entry of a password during the Login procedure." (Office Action, page 3.) The Examiner then said that it would have been obvious to access the first and second sets of web pages "by requiring the user to enter a password during the computer login procedure, as is well known in the art for protecting access to specific computer terminals." (Office Action, page 3.)

The "passwords" of this invention are discussed in the application, e.g., at pages 18-19. These passwords are different from the login passwords identified in the Official Notice, i.e., passwords associated with controlling access to a conventional desktop computer. To avoid any confusion on that point, Applicant has amended Claims 1, 4 and 24 to clarify the nature of the recited passwords. In those claims, although a password is required for editing pages on the memorial site (e.g., to write or modify a narrative describing the personal history of the deceased person), that same password is not required for viewing that same page. The critical difference between "editing access" and "viewing access" is explained in the application on page 19, lines 12-17; page 25, lines 6-11; and generally at pages 27-29. Neither the Angels Online nor the Official Notice deals with the type of password recited in Claims 1, 4, or 24. Claims 2-14 are dependent from either Claims 1 or 4, and are patentable for the same reasons as those advanced for Claims 1 and 4.

Accordingly, Applicant submits that the inventions of Claims 1-14 and 24 are not taught, suggested, or otherwise rendered obvious by anything that might arguably be prior art. Therefore, Claims 1-14 and 24 are patentable.

(2) Claims 25-34

The Examiner also rejected Claims 25-34, based largely on his rejection of Claim 25. For that rejection, the Official Notice incorporated a different definition of "password" than the definition of "password" used in the Official Notice for the rejection of Claims 1-14 and 24. That is, rather than a login password, the Official Notice was that "a password to control access to specific web pages" was very well known in the art. (Office Action, page 5.) As noted below, the Applicant challenges

the alleged Official Notice, i.e., that the facts stated by the Examiner were "common knowledge" to a person skilled in the art of designing memorial websites at the time of the invention. The Examiner also stated, "Password access to specific site pages is commonly used in banking and financial websites, where a user can enter the website, but must enter a password to change user specific data, such as making electronic deposits, trading stocks, or transferring funds." (Office Action, page 5.) Applicant also traverses any assertion the banking and financial industries are the same as, or even analogous to, the art to which the claims of this application pertain. Furthermore, there is no suggestion to make the combination proposed by the Examiner, so a prima facie case of obviousness has not been presented.

Claims 26 and 28 are dependent from Claim 25, and are patentable for the same reasons as those advanced for Claim 25.

Finally, claims 29-34 are also patentable. Original Claim 29 recites "inputting a password" to "gain editing access" as an event that occurs after logging onto the website, so the distinction between that password and a login password is already found in that claim.

Claims 30-34 are dependent from Claim 29, and are patentable for the same reasons as those advanced for Claim 29.

(3) Angels Online and Official Notice not prior art

Although the differences between the claimed inventions and the cited art supports patentability, Applicant nevertheless disputes that either the "Angels Online" web pages or the "Official Notice" qualifies as prior art.

To begin with, Applicant submits that the Angels Online web pages are not actually prior art. Specifically, Applicant asserts that there is insufficient evidence that the eleven Angels Online web pages relied on by the Examiner even existed prior to the filing date of the application, i.e., May 29, 1999, much less more one than one year prior to the filing date. Applicant's assertion is demonstrated by the fact that page 1 refers to a "September 11 Tribute Poem," which was necessarily created after the "9/11" tragedy, which took place in the year 2001. The presence of the tribute poem suggests that portions of the website, even entire pages, have been constantly updated, making any attempt to ascertain the true date of creation (or publication) of any website page impossible without more information. Also, Applicant submits that the 1997 copyright notice is not probative of any publication date, and does not lead to the conclusion that the pages were part of a "printed

publication” as of 1997, nor that those pages otherwise fall within any of the categories of Section 102. For example, the pages might have been created in 1997, but been part of an “unpublished” document at that time, and not published to a significant part of the interested public until much later, e.g., after the 9/11 tragedy in 2001. (Nevertheless, as discussed above, even though Angels Online is not prior art, there are sufficient differences between the claimed subject matter and the Angels Online pages to reach the conclusion that the claims are patentable over Angels Online alone or in combination with the Official Notice.)

Applicant also traverses that the proposed “Official Notice” qualifies as prior art. In particular, Applicant traverses the Examiner’s reliance on the “Official Notice” provision of the M.P.E.P. to give prior art status to very particularized information that the Examiner then applied to the Angels Online web pages in a very specific manner, namely, specific types of passwords, and the manner in which such passwords are used. The Examiner used the Official Notice provision to identify one type of password in his rejection of Claims 1-14 and 24, and then used the Official Notice provision to identify yet another type of password in his rejection of Claims 25-34. As stated in M.P.E.P. 2144.03, “Official Notice” is limited to facts that are “common knowledge in the art.” There is no evidence that it is “common knowledge” among those in the art of designing online memorials to utilize passwords for accessing particular web pages for editing purposes, much less particular types of passwords that are used in the manners specifically recited in the claims. Accordingly, Applicant hereby requests that the Examiner provide evidence supporting the asserted Official Notice, in accordance with the procedure set forth in M.P.E.P. 2144.03. Indeed, the admitted lack of any password feature whatsoever in the Angels Online materials demonstrates that passwords, and particularly the editing passwords that are recited in the claims, would not be considered “common knowledge” among those in the art of designing memorial websites.

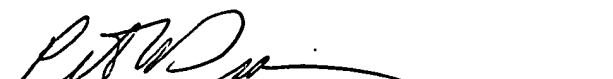
Finally, Applicant also traverses the combination of the Angels Online pages with the Official Notice information. That combination appears to be guided by the Applicant’s own invention, and is thus improper. There is no suggestion in the prior art to make that combination. Specifically, nothing in Angels Online suggests use of an editing password; and the Official Notice as stated by the Examiner does not offer any suggestion of modifying a memorial website to include an editing password. Even if passwords per se exist in the prior art, there is nothing to suggest

combining particular types of passwords in the specific manner recited in the claims. Therefore, Applicant submits that no prima facie case of obviousness exists under 35 U.S.C. § 103(a).

C. Conclusion

In conclusion, none of the references cited by the Examiner, either alone or in combination, teach, show, or suggest the claims of the present application. Having addressed all issues set out in the Office Action, Applicant respectfully submits that the claims, as amended, are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Douglas H. Elliott
Registration No. 32,982
Peter L. Brewer
Registration No. 41,636
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant